

United States District Court

Northern District of New York

CIVIL JUDGMENT

ANGELA M. FERLITO and ANGELO FERLITO

Plaintiffs'

VS.

5:03-CV-96 (HGM) (GHL)

CITY OF OSWEGO; ALEXANDER ZUKOVSKY in his official capacity as Chief of Police, City of Oswego Police Department; JOHN SMEGELSKY, Individually and in his official capacity as Police Officer for the City of Oswego Police Department; and MICHAEL DEHM, JR., Individually as in his official capacity as a Police Captain for the City of Oswego Police Department

Defendants'

[X] Decision by Court. This action came to trial or hearing before the Court.
The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the defendants' motion for summary judgment is granted, it is ordered that plaintiffs' false arrest, malicious prosecution and section 1983 (3) claims are dismissed. The Court further dismisses plaintiffs' state law claims for defamation and loss of services and society without prejudice. Therefore the second amended complaint is dismissed in its entirety.

All of the above pursuant to the Order of the Honorable Senior Judge Howard G. Munson, dated the 4th day of August, 2006.

AUGUST 4, 2006

LAWRENCE K. BAERMAN

DATE _____ CLERK OF COURT

s/ _____

**JOANNE BLESKOSKI
DEPUTY CLERK**